

REMARKS/ARGUMENTS

The Office Action dated June 9, 2004 indicated that claims 1, 2, 4-7, 10-32 and 34-40 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,950,173 issued to Perkowski.

To anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, and the identical invention must be shown in as complete detail as is contained in the claim. M.P.E.P. § 2131. Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain a rejection based on 35 U.S.C. §102. Applicants respectfully submit that Perkowski does not teach every element of at least Applicants' independent claims, and therefore fails to anticipate the currently pending claims.

With respect to the rejected independent Claims 1, 7, 12, 21, 30, 34 and 39, amendments have been made to show that a particular asset may be tracked. This is not taught or otherwise disclosed by Perkowski. In these claims, information pertaining to the particular asset is associated with the asset by associating a unique identification code with the particular asset. Different information may be provided by downstream supplier entities, and this information may be associated with the same identifier, thereby providing a set of information identifiable by the unique identifier and relating to the particular asset itself.

In contrast, Perkowski identifies products by their Universal Product Code (UPC), or conversely, by trademark, service mark, and/or company name. Thus, information concerning Perkowski's products does not relate to the particular product, but rather relates to a family of products that share the same product code. That is to say, that UPCs contain a manufacturer's code and a product code, where the product code pertains to one particular type of product being produced by the manufacturer, irregardless of the number of particular products being produced under that product code. The same can be said of trademarks, service marks, and/or company name, since neither of these indicia pertain to a single product. Thus, Perkowski only provides generic information that is generally applicable to a family of products, rather than providing information that is specific to the actual product. For at least

the reason that Perkowski does not teach a manner of tracking a particular product, Perkowski fails to anticipate the invention as claimed.

Importantly, a reference must teach all claimed limitations, either expressly or inherently, in order to anticipate that claim. Pending independent claims include references to the use of a unique Uniform Resource Locator (URL) as the identifier of the asset. Nowhere in Perkowski is this taught. Perkowski discusses the use of a UPC, company name, service mark or trademark that can be indirectly used to ultimately locate information concerning the product, but this simply does not teach providing a unique identifier for each particular asset, where that identifier is in the form of a URL. The Applicants respectfully submit that a rejection under 35 U.S.C. §102(b) simply cannot stand where the cited reference, Perkowski, fails to teach the use of a URL as the asset identifier itself. For at least this additional reason, it is respectfully requested that the rejection under 35 U.S.C. §102(b) be withdrawn.

Applicants thus respectfully submit that independent Claims 1, 7, 12, 21, 30, 34 and 39 are not anticipated by Perkowski, and are in condition for allowance. Dependent Claims 2, 4-6, 10-11, 13-20, 22-29, 31-32, 35-38, and 40, which are dependent from independent Claims 1, 7, 12, 21, 30, 34, and 39 respectively, were also rejected under 35 U.S.C. §102(b) as being unpatentable over Perkowski. The particular limitations in these claims were not specifically addressed in the Office Action, and the Applicants respectfully submit that Perkowski fails to teach the features identified in these claims. To the extent that some of the dependent claim features were addressed, the Applicants do not acquiesce with the particular rejections to these dependent claims, but in any event it is believed that these rejections are moot in view of the remarks made in connection with independent Claims 1, 7, 12, 21, 30, 34, and 39. These dependent claims include all of the limitations of the base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent Claims 2, 4-6, 10-11, 13-20, 22-29, 31-32, 35-38, and 40 are also in condition for allowance.

It is further noted that the product identification used by Perkowski is not directly usable as a network access identifier for the storage and retrieval of information related to the product. In the case of product identification by UPC, for example, Perkowski first requires that the UPC identifying the family of products be designated in a client request

for information, which then returns various Uniform Resource Locators (URLs) that provide information concerning the family of products identified by the UPC. (See Abstract; FIGs. 6A, 8A; and associated text in column 23, lines 20-23, column 23, lines 52-55, and column 31, lines 26-30). Similarly, in the case of product identification by trademark, service mark, and/or company name, Perkowski first requires that the trademark, service mark, and/or company name identifying the family of products be designated in a client request for information, which then returns various Uniform Resource Locators (URLs) that provide information concerning the family of products identified by the trademark, service mark, and/or company name. (See Abstract; FIGs. 6B, 8B; and associated text in column 23, lines 10-15, column 24, lines 23-31, and column 31 line 66 to column 32 line 4).

According to originally disclosed embodiments of the invention, the unique identification code uniquely identifies the particular asset, and also serves as an address that may be used on a network (*e.g.*, URL) to access information relating to that particular asset. Thus, information relating to the particular asset is stored at a location addressable on the network, and the information is accessed by using the unique identification code as the network address.

New Claims 40-49 are directed to such embodiments. For example, an identification code is associated with the particular asset, where the identification code uniquely identifies the particular asset and also represents a network address. Information relating to the asset is stored at a location addressable by the network address represented by the identification code, and the information (or at least some of the information) relating to the asset may be accessed using the identification code itself. This is clearly not taught by Perkowski or other cited references. Therefore, the Applicants respectfully submit that new Claims 40-49 are allowable over the cited references, and allowance of these claims is respectfully requested.

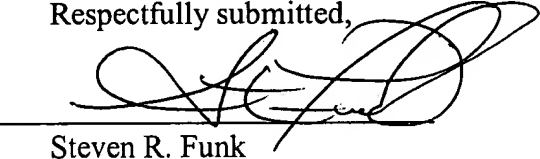
CONCLUSION

Applicants respectfully submit that the pending claims are patentable over the cited prior art of record, and that the application is in condition for allowance. If the Examiner believes it necessary or otherwise helpful, the undersigned attorney of record may be contacted at (651) 686-6633 (x110) to discuss any issues related to this case.

Respectfully submitted,

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